

Supreme Court

2008 Annual Caseload

Report

Table of Contents

Glossary	2-3
Court Activity by Source of Review, 2008	4
Court Activity, Cases from Trial Courts, 2008	5
Court Activity, Cases from Court of Appeals, 2008	6
Court Activity, Original Actions and Federal Court, 2008	7
Court Activity, Cases from WSBA and Commission on Judicial Conduct, 2008	8
History of Filings, 2004-2008	9
History of Resolutions, 2004-2008	10
History of Pending Cases, 2004-2008	11
Court Activity Trends, All Reviews, 2004-2008	12
Court Activity Trends, Cases from Trial Courts, 2004-2008	13
Court Activity Trends, Cases from Court of Appeals, 2004-2008	14
Court Activity Trends, Original Actions, 2004-2008	15
Court Activity Trends, Cases from WSBA and Commission on Judicial Conduct, 2004-2008	16

Supreme Court Glossary

This glossary is included to assist in understanding the statistical tables.

Filings

Notice Of Appeal - A review of a trial court decision in these select circumstances: review is authorized statutorily; an issue of constitutionality is involved; conflicting appellate decisions are at issue; questions of public importance are raised; or, the death penalty was decreed. Notices of appeal directly following a judgment in a superior court as a matter of right must be filed within 30 days. Notices of appeal are categorized into criminal and civil appeals.

Cases opened on notice of appeal can reach the Supreme Court by these means: direct appeal from trial court; certification by the Court of Appeals; granting of a motion to transfer an appeal from the Court of Appeals; or an administrative transfer initiated by the Supreme Court to relieve pressure on the Court of Appeals or because a similar case is already being heard by the Supreme Court.

Petitions For Review - A review of any Court of Appeals' decision terminating review. The Supreme Court only accepts reviews of decisions that conflict with other Supreme Court or Court of Appeals' decisions, that involve a significant question of law under the federal or state constitution, or that concern "an issue of substantial public interest..." (Rules of Appellate Procedure (RAP) 13.4).

Other Reviews - The five following categories are grouped under the title "Other Reviews": personal restraint petitions, discretionary reviews, original actions against state officers, petitions for expenditures of public funds, and reviews certified from federal court.

Personal Restraint Petition - A petition to seek relief from limitations on a person's freedom due to current or imminent confinement. The Supreme Court normally exercises its jurisdiction over such petitions by transferring them to the Court of Appeals (RAP 16.5).

Discretionary Review - A review of interlocutory orders of the superior court. Reviews made prior to a final determination of the case, in which a party argues that the trial court has committed an error pursuant to RAP 2.3(b). Discretionary reviews are in the purview of the Supreme Court under most of the same conditions that apply for notices of appeal. The Supreme Court may be requested by motion for discretionary review, to review interlocutory Court of Appeals' decisions, and decisions on personal restraint petitions.

Actions Against State Officers - Both the Supreme Court and the superior courts have concurrent original jurisdiction over a petition against a state officer in the nature of quo warranto, prohibition, and mandamus (RAP 16.2), generally preventing a continued exercise of authority unlawfully asserted.

Petitions For Expenditures Of Public Funds - Petitions for expenditure from the indigent defense fund (RAP 15.2).

Certified From Federal Court - Reviews certified to determine a question of state law which does not involve a question determined by reference to the United States Constitution (RAP 16.16).

Dispositions

Cases are considered officially disposed in the Supreme Court as soon as a decision terminating review is filed with the Supreme Court Clerk.

Opinions - Those cases which were reviewed by the Court and had an opinion written.

Motion On The Merits - Termination of a review due to the granting of a motion on the merits (RAP 18.14).

Dismissed - An order, issued by the Court, dismissing the review prior to a determination of the merits. The commissioner or clerk may dismiss a review for failure to comply with procedures. The Court, on motion of a party, may dismiss a review if the review is frivolous, moot, or solely for the purpose of delay. Also, the Court may dismiss reviews for want of prosecution or for failure to comply with procedures (RAP 18.9).

Transferred To Court Of Appeals - To promote the orderly administration of justice, the Supreme Court may, on its own initiative or on motion of a party, transfer a case to the Court of Appeals.

Review Not Accepted - Reviews disposed through this manner are not accepted because they fail to meet the requirements of review stated in Rule 2 and Rule 13 of the Rules of Appellate Procedure. These requirements are summarized in the above glossary definitions for each review type.

Terminated - An order issued by the Court terminating the review before an opinion is rendered. An order to terminate a review would result if, for example, a petitioner decided to withdraw the review.

Pending

Case Stayed - Those cases temporarily arrested or removed from judicial processing by order of the Court.

Ready For Setting - Those cases within the stages of perfection which have at minimum had the briefs filed but have yet to be set on the Court calendar for review.

Not Ready For Setting - Those cases within the stages of perfection which are ready for consideration but have yet to file further pleadings.

Set For Motion On The Merits - Those cases which have been set on the motion on the merits calendar (RAP 18.14).

Set For Oral Argument - Those cases which have progressed to the point at which all briefs were filed and served and have been set for review.

Opinion/Order In Process - Those cases which have been reviewed by the Court but have yet to receive a decision.

Mandated

A decision is mandated by the Clerk of the Supreme Court with a written notification of the Court's decision to the originating court and the parties involved.

The Supreme Court
Court Activity by Source of Review, 2008

	Trial Courts	Court of Appeals	Original Actions	WSBA ⁴ /CJC	Certified Issues	TOTAL
FILINGS						
Total Filings	120	1,180	189	112	6	1,607
RESOLUTIONS¹						
Total Opinions	12	88	4	8	3	115
Decided on Merits	0	0	0	0	0	0
Dismissed	2	7	0	0	0	9
Transferred/Certified	20	0	0	0	0	20
Review Not Accepted	0	3	0	0	0	3
Other	1	802	15	0	0	818
Total Orders	23	812	15	0	0	850
Decided on Merits	0	0	0	0	0	0
Dismissed	13	30	2	0	0	45
Transferred/Certified	0	0	7	0	0	7
Review Not Accepted	5	68	4	0	0	77
Other	6	44	6	0	0	56
Total Rulings	24	142	19	0	0	185
Other Decisions Term. Rvw ²	0	0	0	108	0	108
Total Resolved	59	1,042	38	116	3	1,258
PENDING AT YEAR END³						
Cases Stayed	5	39	9	N/A	0	53
Cases Ready	3	60	0	N/A	3	66
Cases Not Ready	52	469	76	N/A	1	598
Set for Motion on Merits	0	0	0	N/A	0	0
Set for Motion Calendar	0	5	2	N/A	0	7
Set for Oral Argument	2	39	0	N/A	1	42
Total Awaiting Hearing	62	612	87	N/A	5	766
Opinion/Order in Process	5	54	3	N/A	0	62
Total Pending Decision	67	666	90	N/A	5	828
MANDATED						
Opinions	14	95	5	6	2	122
Other	90	1,214	174	108	0	1,586
Total Mandated	104	1,309	179	114	2	1,708

¹ As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

² WSBA and CJC cases which were considered by the Court in years prior to establishment of procedures for closing those cases (see footnote 4). As time permits, Court staff are now reviewing those old cases and recording the disposed status as appropriate. Those dispositions are included in "Other Decisions Terminating Review." Includes

³ As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

⁴ Prior to 2003, resolution, pending and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

The Supreme Court
Court Activity, Cases from Trial Courts, 2008

	-----Appeals-----			-----Discr. Review-----			Death Penalty Review	Exp Public Funds ¹	TOTAL
	Criminal	Civil	Total	Criminal	Civil	Total			
FILINGS									
Total Filings	6	42	48	9	14	23	0	49	120
RESOLUTIONS²									
Total Opinions	2	7	9	3	0	3	0	0	12
Decided on Merits	0	0	0	0	0	0	0	0	0
Dismissed	0	2	2	0	0	0	0	0	2
Transferred/Certified	1	19	20	0	0	0	0	0	20
Review Not Accepted	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	1	1
Total Orders	1	21	22	0	0	0	0	1	23
Decided on Merits	0	0	0	0	0	0	0	0	0
Dismissed	1	7	8	4	1	5	0	0	13
Transferred/Certified	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	1	4	5	0	0	5
Other	1	0	1	0	5	5	0	0	6
Total Rulings	2	7	9	5	10	15	0	0	24
Other Decisions Term. Rvw	0	0	0	0	0	0	0	0	0
Total Resolved	5	35	40	8	10	18	0	1	59
PENDING AT YEAR END³									
Cases Stayed	1	4	5	0	0	0	0	0	5
Cases Ready	0	1	1	2	0	2	0	0	3
Cases Not Ready	6	28	34	1	3	4	1	13	52
Set for Motion on Merits	0	0	0	0	0	0	0	0	0
Set for Motion Calendar	0	0	0	0	0	0	0	0	0
Set for Oral Argument	0	2	2	0	0	0	0	0	2
Total Awaiting Hearing	7	35	42	3	3	6	1	13	62
Opinion/Order in Process	0	1	1	3	1	4	0	0	5
Total Pending Decision	7	36	43	6	4	10	1	13	67
MANDATED									
Opinions	2	8	10	3	0	3	1	0	14
Other	5	28	33	4	9	13	0	44	90
Total Mandated	7	36	43	7	9	16	1	44	104

¹Expenditure of Public Funds.

² As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

³ As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court
Court Activity, Cases from Court of Appeals, 2008

	--Petition for Review--			-- Motions for --- Discr. Review ---			Discr. Review PRP	Certifi- cations	Transfers (party motions)	TOTAL
	Criminal	Civil	Total	Criminal	Civil	Total				
FILINGS										
Total Filings	449	289	738	50	63	113	319	1	9	1,180
RESOLUTIONS¹										
Total Opinions	36	33	69	0	1	1	3	5	10	88
Decided on Merits	0	0	0	0	0	0	0	0	0	0
Dismissed	0	7	7	0	0	0	0	0	0	7
Transferred/Certified	0	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	1	2	3	0	0	0	3
Other	517	274	791	8	3	11	0	0	0	802
Total Orders	517	281	798	9	5	14	0	0	0	812
Decided on Merits	0	0	0	0	0	0	0	0	0	0
Dismissed	14	11	25	2	1	3	2	0	0	30
Transferred/Certified	0	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	24	43	67	0	0	1	68
Other	2	5	7	11	12	23	8	0	6	44
Total Rulings	16	16	32	37	56	93	10	0	7	142
Other Decisions Term. Rvw	0	0	0	0	0	0	0	0	0	0
Total Resolved	569	330	899	46	62	108	13	5	17	1,042
PENDING AT YEAR END²										
Cases Stayed	22	2	24	0	0	0	14	0	1	39
Cases Ready	27	22	49	1	3	4	2	2	3	60
Cases Not Ready	206	141	347	11	9	20	99	1	2	469
Set for Motion on Merits	0	0	0	0	0	0	0	0	0	0
Set for Motion Calendar	3	2	5	0	0	0	0	0	0	5
Set for Oral Argument	13	20	33	1	0	1	3	0	2	39
Total Awaiting Hearing	271	187	458	13	12	25	118	3	8	612
Opinion/Order in Process	22	20	42	1	1	2	1	2	7	54
Total Pending Decision	293	207	500	14	13	27	119	5	15	666
MANDATED										
Opinions	35	41	76	0	2	2	2	5	10	95
Other	534	299	833	46	63	109	267	0	5	1,214
Total Mandated	569	340	909	46	65	111	269	5	15	1,309

¹ As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

²As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court
Court Activity, Original Actions and Federal Court, 2008

	Actions Against State Officers	Personal Restraints	Death Penalty PRP	Misc. Reviews	TOTAL	Certified from Federal Court
FILINGS						
Total Filings	12	155	2	20	189	6
RESOLUTIONS¹						
Total Opinions	0	3	0	1	4	3
Decided on Merits	0	0	0	0	0	0
Dismissed	0	0	0	0	0	0
Transferred/Certified	0	0	0	0	0	0
Review Not Accepted	0	0	0	0	0	0
Other	1	0	0	14	15	0
Total Orders	1	0	0	14	15	0
Decided on Merits	0	0	0	0	0	0
Dismissed	1	0	0	1	2	0
Transferred/Certified	0	7	0	0	7	0
Review Not Accepted	0	4	0	0	4	0
Other	5	1	0	0	6	0
Total Rulings	6	12	0	1	19	0
Other Decisions Term. Rvw	0	0	0	0	0	0
Total Resolved	7	15	0	16	38	3
PENDING AT YEAR END²						
Cases Stayed	0	9	0	0	9	0
Cases Ready	0	0	0	0	0	3
Cases Not Ready	3	65	1	7	76	1
Set for Motion on Merits	0	0	0	0	0	0
Set for Motion Calendar	0	2	0	0	2	0
Set for Oral Argument	0	0	0	0	0	1
Total Awaiting Hearing	3	76	1	7	87	5
Opinion/Order in Process	2	1	0	0	3	0
Total Pending Decision	5	77	1	7	90	5
MANDATED						
Opinions	0	3	1	1	5	2
Other	8	146	0	20	174	0
Total Mandated	8	149	1	21	179	2

¹ As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

² As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court
 Court Activity, Cases from WSBA and Commission on Judicial Conduct¹, 2008

	----- Washington State Bar Association -----						-Comm. on Judicial Conduct-				TOTAL
	Admissn Appeals	Admissn Petition	Discpl Appeals	Discpl Discr. Review	Discpl Show Cause	Discpl Other ³	Total WSBA	Discpl/ Disblty Appeals	Discpl/ Disblty Discr.R	Total CJC	
FILINGS											
Total Filings	0	12	8	1	9	82	112	0	0	0	112
RESOLUTIONS											
Total Opinions	0	0	8	0	0	0	8	0	0	0	8
Decided on Merits	0	0	0	0	0	0	0	0	0	0	0
Dismissed	0	0	0	0	0	0	0	0	0	0	0
Transferred/Certified	0	0	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total Orders	0	0	0	0	0	0	0	0	0	0	0
Decided on Merits	0	0	0	0	0	0	0	0	0	0	0
Dismissed	0	0	0	0	0	0	0	0	0	0	0
Transferred/Certified	0	0	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total Rulings	0	0	0	0	0	0	0	0	0	0	0
Other Decisions Term. Rvw ²	0	11	7	1	8	81	108	0	0	0	108
Total Resolved	0	11	15	1	8	81	116	0	0	0	116
PENDING AT YEAR END											
Cases Stayed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Not Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion on Merits	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion Calendar	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Oral Argument	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Awaiting Hearing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Opinion/Order in Process	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Pending Decision	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MANDATED											
Opinions	0	0	6	0	0	0	6	0	0	0	6
Other	0	11	7	1	8	81	108	0	0	0	108
Total Mandated	0	11	13	1	8	81	114	0	0	0	114

¹ As a result of recent transition to the new Appellate Court Records and Data System (ACORDS-II) and changes in resolution coding procedures in 2005, the following revisions and observations were made:

(a) resolutions are now categorized by Opinions, Orders, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

(b) Prior to 2003, resolution, pending and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

² Includes WSBA and CJC cases which were considered by the Court in years prior to establishment of procedures for closing those cases (see footnote 1(b)). As time permits, Court staff are now reviewing those old cases and recording the disposed status as appropriate. Those dispositions are included in "Other Decisions Terminating Review."

³ Includes Notice of Discipline, Stipulation and Reciprocal Discipline, Disability Inactive Status Appeal, Transfer to Disability Inactive Status, Financial and Miscellaneous Non-Discipline.

The Supreme Court
History of Filings, 2004-2008¹

	2004	2005	% Chg ³	2006	% Chg ³	2007	% Chg ³	2008	% Chg ³
<u>TRIAL COURTS</u>									
Criminal Appeals	9	1		11		4		6	
Civil Appeals	47	51		43		39		42	
Total Appeals	56	52		54		43		48	
Direct Discretionary Review	31	17		16		11		23	
Death Penalty Review	0	0		0		1		0	
Exp. Public Funds	64	63		55		43		49	
TOTAL--TRIAL COURTS	151	132	-12.6%	125	-5.3%	98	-21.6%	120	22.4%
<u>COURT OF APPEALS</u>									
Criminal	444	456		438		454		449	
Civil	316	324		272		292		289	
Total Petition for Review	760	780		710		746		738	
Motion for Discr. Review	124	126		118		111		113	
Motion for Discr. Rvw of PRP ²	321	458		358		248		319	
Certifications/Transfers	10	11		28		24		10	
TOTAL--COURT OF APPEALS	1,215	1,375	13.2%	1,214	-11.7%	1,129	-7.0%	1,180	4.5%
<u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u>									
TOTAL--ORIG. ACTIONS & FED COURT	175	166	-5.1%	138	-16.9%	136	-1.4%	195	43.4%
<u>WSBA/CJC</u>									
TOTAL--WSBA/CJC	139	117	-15.8%	117	0.0%	109	-6.8%	112	2.8%
TOTAL FILED	1,680	1,790	6.5%	1,594	-10.9%	1,472	-7.7%	1,607	9.2%

¹ Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

² Improved coding in late 2000 now allows distinct reporting of (1) Motions for Discretionary Review and (2) Motions for Discretionary Review of PRP. Prior to 2001, both are included in Motions for Discretionary Review.

³ Percentages are not reported when numbers are small (less than 30).

The Supreme Court
History of Resolutions, 2004-2008¹

	2004	2005	% Chg ⁴	2006	% Chg ⁴	2007	% Chg ⁴	2008	% Chg ⁴
<u>TRIAL COURTS</u>									
Criminal Appeals	6	5		6		9		5	
Civil Appeals	54	44		38		52		35	
Total Appeals	60	49		44		61		40	
Direct Discretionary Review	34	14		19		16		18	
Death Penalty Review	1	0		2		1		0	
Exp. Public Funds	52	56		66		13		1	
TOTAL--TRIAL COURTS	147	119	-19.0%	131	10.1%	91	-30.5%	59	-35.2%
<u>COURT OF APPEALS</u>									
Criminal	406	418		367		448		569	
Civil	271	295		271		278		330	
Total Petition for Review	677	713		638		726		899	
Motion for Discr. Review	114	142		119		102		108	
Motion for Discr. Rvw of PRP ²	301	417		286		10		13	
Certifications/Transfers	17	10		7		23		22	
TOTAL--COURT OF APPEALS	1,109	1,282	15.6%	1,050	-18.1%	861	-18.0%	1,042	21.0%
<u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u>									
TOTAL--ORIG. ACTIONS & FED COURT	148	195	31.8%	127	-34.9%	35	-72.4%	41	17.1%
<u>WSBA/CJC</u>									
TOTAL--WSBA/CJC ³	283	195	-31.1%	129	-33.8%	124	-3.9%	116	-6.5%
TOTAL RESOLVED	1,687	1,791	6.2%	1,437	-19.8%	1,111	-22.7%	1,258	13.2%

¹Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

² Improved coding in late 2000 now allows distinct reporting of (1) Motions for Discretionary Review and (2) Motions for Discretionary Review of PRP. Prior to 2001, both are included in Motions for Discretionary Review.

³ Prior to 2003, resolution, pending and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond. In addition, resolution information for years 2004 forward includes some old cases for which the disposed status has been retroactively determined and recorded.

⁴Percentages are not reported when numbers are small (less than 30)

The Supreme Court
History of Pending Cases, 2004-2008¹

	2004	2005	% Chg ⁴	2006	% Chg ⁴	2007	% Chg ⁴	2008	% Chg ⁴
<u>TRIAL COURTS</u>									
Criminal Appeals	11	7		13		7		7	
Civil Appeals	32	39		42		28		36	
Total Appeals	43	46		55		35		43	
Direct Discretionary Review	11	14		11		6		10	
Death Penalty Review	3	3		1		1		1	
Exp. Public Funds	13	19		6		8		13	
TOTAL--TRIAL COURTS	70	82	17.1%	73	-11.0%	50	-31.5%	67	34.0%
<u>COURT OF APPEALS</u>									
Criminal	322	359		412		417		293	
Civil	223	250		246		258		207	
Total Petition for Review	545	609		658		675		500	
Motion for Discr. Review	35	17		17		23		27	
Motion for Discr. Rvw of PRP ²	68	103		60		134		119	
Certifications/Transfers	7	3		6		18		20	
TOTAL--COURT OF APPEALS	655	732	11.8%	741	1.2%	850	14.7%	666	-21.6%
<u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u>									
TOTAL--ORIG. ACTIONS & FED COURT	71	39	-45.1%	34	-12.8%	84	147.1%	95	13.1%
<u>WSBA/CJC</u>									
TOTAL--WSBA/CJC ³	N/A	N/A		N/A		N/A		N/A	
TOTAL PENDING DECISION	796	853	7.2%	848	-0.6%	984	16.0%	828	-15.9%

¹ Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

² Improved coding in late 2000 now allows distinct reporting of (1) Motions for Discretionary Review and (2) Motions for Discretionary Review of PRP. Prior to 2001, both are included in Motions for Discretionary Review.

³ Prior to 2003, resolution, pending and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

⁴ Percentages are not reported when numbers are small (less than 30).

The Supreme Court

Court Activity Trends, All Reviews, 2004-2008¹

	2004	2005	% Chg	2006	% Chg	2007	% Chg	2008	% Chg
FILINGS									
Total Filings	1,680	1,790	6.5%	1,594	-10.9%	1,472	-7.7%	1,607	9.2%
RESOLUTIONS²									
Total Opinions	137	143		122		154		115	
Decided on Merits	N/A	0		0		0		0	
Dismissed	N/A	6		3		5		9	
Transferred/Certified	N/A	16		20		30		20	
Review Not Accepted	N/A	6		9		4		3	
Other	N/A	683		620		633		818	
Total Orders	N/A	711		652		672		850	
Decided on Merits	N/A	0		0		0		0	
Dismissed	N/A	68		37		36		45	
Transferred/Certified	N/A	131		68		10		7	
Review Not Accepted	N/A	86		397		80		77	
Other	N/A	468		41		42		56	
Total Rulings	N/A	753		543		168		185	
Other Decisions Term. Rvw ³	N/A	184		120		117		108	
Total Orders/Rulings/Other ⁴	1,550	1,648		1,315		957		1,143	
Total Resolved	1,687	1,791	6.2%	1,437	-19.8%	1,111	-22.7%	1,258	13.2%
PENDING AT YEAR END⁵									
Cases Stayed	49	58		71		30		53	
Cases Ready	13	34		37		7		66	
Cases Not Ready	633	696		630		870		598	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	4	7		32		9		7	
Set for Oral Argument	41	0		0		17		42	
Total Awaiting Hearing	740	795	7.4%	770	-3.1%	933	21.2%	766	-17.9%
Opinion/Order in Process	56	58	3.6%	78	34.5%	51	-34.6%	62	21.6%
Total Pending Decision	796	853	7.2%	848	-0.6%	984	16.0%	828	-15.9%
MANDATED									
Opinions	134	151	12.7%	107	-29.1%	159	48.6%	122	-23.3%
Other	1,546	1,643	6.3%	1,496	-8.9%	1,318	-11.9%	1,586	20.3%
Total Mandated	1,680	1,794	6.8%	1,603	-10.6%	1,477	-7.9%	1,708	15.6%

¹Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

²As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

³Includes WSBA and CJC cases which were considered by the Court in years prior to establishment of procedures for closing those cases. As time permits, Court staff are now reviewing those old cases and recording the disposed status as appropriate. Those dispositions are included in "Other Decisions Terminating Review."

⁴For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

⁵As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court
Court Activity Trends, Cases from Trial Courts, 2004-2008

	2004	2005	% Chg ⁴	2006	% Chg ⁴	2007	% Chg ⁴	2008	% Chg ⁴
FILINGS									
Total Filings	151	132	-12.6%	125	-5.3%	98	-21.6%	120	22.4%
RESOLUTIONS¹									
Total Opinions	22	20		16		22		12	
Decided on Merits	N/A	0		0		0		0	
Dismissed	N/A	0		2		2		2	
Transferred/Certified	N/A	11		19		30		20	
Review Not Accepted	N/A	2		0		0		0	
Other	N/A	66		69		14		1	
Total Orders	N/A	79		90		46		23	
Decided on Merits	N/A	0		0		0		0	
Dismissed	N/A	9		8		17		13	
Transferred/Certified	N/A	0		3		0		0	
Review Not Accepted	N/A	1		7		2		5	
Other	N/A	10		7		4		6	
Total Rulings	N/A	20		25		23		24	
Other Decisions Term. Rvw	N/A	0		0		0		0	
Total Orders/Rulings/Other ²	125	99		115		69		47	
Total Resolved	147	119	-19.0%	131	10.1%	91	-30.5%	59	-35.2%
PENDING AT YEAR END³									
Cases Stayed	2	7		4		4		5	
Cases Ready	7	5		6		3		3	
Cases Not Ready	47	58		48		36		52	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	0	0		0		0		0	
Set for Oral Argument	3	0		0		0		2	
Total Awaiting Hearing	59	70	18.6%	58	-17.1%	43	-25.9%	62	44.2%
Opinion/Order in Process	11	12	. %	15	. %	7	. %	5	. %
Total Pending Decision	70	82	17.1%	73	-11.0%	50	-31.5%	67	34.0%
MANDATED									
Opinions	20	22	. %	15	. %	24	. %	14	. %
Other	130	97	-25.4%	119	22.7%	98	-17.6%	90	-8.2%
Total Mandated	150	119	-20.7%	134	12.6%	122	-9.0%	104	-14.8%

¹ As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

² For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

³ As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

⁴ Percentages are not reported when numbers are small(less than 30).

The Supreme Court
 Court Activity Trends, Cases from Court of Appeals, 2004-2008

	2004	2005	% Chg ⁴	2006	% Chg ⁴	2007	% Chg ⁴	2008	% Chg ⁴
FILINGS									
Total Filings	1,215	1,375	13.2%	1,214	-11.7%	1,129	-7.0%	1,180	4.5%
RESOLUTIONS¹									
Total Opinions	83	105		93		122		88	
Decided on Merits	N/A	0		0		0		0	
Dismissed	N/A	5		0		3		7	
Transferred/Certified	N/A	4		0		0		0	
Review Not Accepted	N/A	3		9		4		3	
Other	N/A	600		541		609		802	
Total Orders	N/A	612		550		616		812	
Decided on Merits	N/A	0		0		0		0	
Dismissed	N/A	38		22		18		30	
Transferred/Certified	N/A	5		0		0		0	
Review Not Accepted	N/A	79		360		69		68	
Other	N/A	443		25		36		44	
Total Rulings	N/A	565		407		123		142	
Other Decisions Term. Rvw	N/A	0		0		0		0	
Total Orders/Rulings/Other ²	1,026	1,177		957		739		954	
Total Resolved	1,109	1,282	15.6%	1,050	-18.1%	861	-18.0%	1,042	21.0%
PENDING AT YEAR END³									
Cases Stayed	25	51		66		26		39	
Cases Ready	5	27		29		4		60	
Cases Not Ready	545	602		552		756		469	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	4	7		32		7		5	
Set for Oral Argument	34	0		0		17		39	
Total Awaiting Hearing	613	687	12.1%	679	-1.2%	810	19.3%	612	-24.4%
Opinion/Order in Process	42	45	7.1%	62	37.8%	40	-35.5%	54	35.0%
Total Pending Decision	655	732	11.8%	741	1.2%	850	14.7%	666	-21.6%
MANDATED									
Opinions	84	109	29.8%	78	-28.4%	126	61.5%	95	-24.6%
Other	1,024	1,159	13.2%	1,111	-4.1%	995	-10.4%	1,214	22.0%
Total Mandated	1,108	1,268	14.4%	1,189	-6.2%	1,121	-5.7%	1,309	16.8%

¹ As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

² For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

³ As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

⁴ Percentages are not reported when numbers are small (less than 30).

The Supreme Court
Court Activity Trends, Original Actions, 2004-2008

	2004	2005	% Chg ⁴	2006	% Chg ⁴	2007	% Chg ⁴	2008	% Chg ⁴
FILINGS									
Total Filings	173	164	-5.2%	135	-17.7%	134	-0.7%	189	41.0%
RESOLUTIONS¹									
Total Opinions	16	9		5		2		4	
Decided on Merits	N/A	0		0		0		0	
Dismissed	N/A	1		1		0		0	
Transferred/Certified	N/A	1		1		0		0	
Review Not Accepted	N/A	1		0		0		0	
Other	N/A	14		9		10		15	
Total Orders	N/A	17		11		10		15	
Decided on Merits	N/A	0		0		0		0	
Dismissed	N/A	19		6		1		2	
Transferred/Certified	N/A	126		65		10		7	
Review Not Accepted	N/A	6		30		9		4	
Other	N/A	15		8		2		6	
Total Rulings	N/A	166		109		22		19	
Other Decisions Term. Rvw	N/A	0		0		0		0	
Total Orders/Rulings/Other ²	129	183		120		32		34	
Total Resolved	145	192	32.4%	125	-34.9%	34	-72.8%	38	11.8%
PENDING AT YEAR END³									
Cases Stayed	22	0		1		0		9	
Cases Ready	1	2		2		0		0	
Cases Not Ready	41	36		30		77		76	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	0	0		0		2		2	
Set for Oral Argument	4	0		0		0		0	
Total Awaiting Hearing	68	38	-44.1%	33	-13.2%	79	139.4%	87	10.1%
Opinion/Order in Process	2	1	. %	0	. %	3	. %	3	. %
Total Pending Decision	70	39	-44.3%	33	-15.4%	82	148.5%	90	9.8%
MANDATED									
Opinions	14	12	. %	5	. %	1	. %	5	. %
Other	128	202	57.8%	143	-29.2%	108	-24.5%	174	61.1%
Total Mandated	142	214	50.7%	148	-30.8%	109	-26.4%	179	64.2%

¹ As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

²For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

³ As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

⁴Percentages are not reported when numbers are small(less than 30).

The Supreme Court

Court Activity Trends, Cases from WSBA and Commission on Judicial Conduct, 2004-2008¹

	2004	2005	% Chg ⁵	2006	% Chg ⁵	2007	% Chg ⁵	2008	% Chg ⁵
FILINGS									
Total Filings	139	117	-15.8%	117	0.0%	109	-6.8%	112	2.8%
RESOLUTIONS²									
Total Opinions	13	7		7		7		8	
Decided on Merits	N/A	0		0		0		0	
Dismissed	N/A	0		0		0		0	
Transferred/Certified	N/A	0		0		0		0	
Review Not Accepted	N/A	0		0		0		0	
Other	N/A	2		1		0		0	
Total Orders	N/A	2		1		0		0	
Decided on Merits	N/A	0		0		0		0	
Dismissed	N/A	2		0		0		0	
Transferred/Certified	N/A	0		0		0		0	
Review Not Accepted	N/A	0		0		0		0	
Other	N/A	0		1		0		0	
Total Rulings	N/A	2		1		0		0	
Other Decisions Term. Rvw ³	N/A	184		120		117		108	
Total Orders/Rulings/Other ⁴	270	188		122		117		108	
Total Resolved	283	195	-31.1%	129	-33.8%	124	-3.9%	116	-6.5%
PENDING AT YEAR END									
Cases Stayed	N/A	N/A		N/A		N/A		N/A	
Cases Ready	N/A	N/A		N/A		N/A		N/A	
Cases Not Ready	N/A	N/A		N/A		N/A		N/A	
Set for Motion on Merits	N/A	N/A		N/A		N/A		N/A	
Set for Motion Calendar	N/A	N/A		N/A		N/A		N/A	
Set for Oral Argument	N/A	N/A		N/A		N/A		N/A	
Total Awaiting Hearing	N/A	N/A		N/A		N/A		N/A	
Opinion/Order in Process	N/A	N/A		N/A		N/A		N/A	
Total Pending Decision	N/A	N/A		N/A		N/A		N/A	
MANDATED									
Opinions	13	7	. %	7	. %	7	. %	6	. %
Other	264	184	-30.3%	122	-33.7%	117	-4.1%	108	-7.7%
Total Mandated	277	191	-31.0%	129	-32.5%	124	-3.9%	114	-8.1%

¹ Prior to 2003, resolution, pending and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is comparable only for 2003 and beyond.

² As a result of changes in resolution coding procedures in 2005, resolutions are now categorized by Opinions, Orders Terminating Review, and Rulings Terminating Review. Figures for these categories are reported for the first time in 2005.

³ Includes WSBA and CJC cases which were considered by the Court in years prior to establishment of procedures for closing those cases (see footnote 1). As time permits, Court staff are now reviewing those old cases and recording the disposed status as appropriate. Those dispositions are included in "Other Decisions Terminating Review."

⁴ For years prior to 2005, it is not possible to distinguish the different types of resolution. Figures are broadly aggregated and shown as the sum of these resolution types.

⁵ Percentages are not reported when numbers are small (less than 30).